

Local Law Filing

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Village of Fayetteville

Local Law No. 6 of the year 2013.

A local law amending Chapter 187 Zoning by adding Section 187-75 of the Village of Fayetteville Municipal Code.

Be it enacted by the Board of Trustees of the Village of Fayetteville as follows:

Section One (1).

Fayetteville - [HISTORY: Adopted by the Board of Trustees of the Village of Fayetteville 2-13-1995 by L.L. No. 3-1995 and 10-12-1999 by L.L. No. 5-1999. Amendments noted where applicable.]

GENERAL REFERENCES

Buildings, Structures, Premises, Equipment and Conditions, Unsafe, Unfit or Unlawful – See Ch. 55

Electrical Standards — See Ch. 70.

Fire Prevention and Building Construction Administration – See Ch. 78

Flood Damage Prevention - See Ch. 81.

Gasoline Service Facilities – See Ch. 89.

Housing Standards – See Ch. 99.

Smoke Detectors – See Ch. 142

Subdivision of Land – See Ch. 151.

Section Two (2).

Add §187-75 to read:

§ 187-75 Accessory building.

- A. A accessory building is any structure, whose use shall be **not** used or designed for use as a garage (§187-76) or shed (§187-77), but its use shall be incidental and customary to that of the principal structure, and that
 - (1) The use of the accessory building shall be limited to the owner(s) and/or tenants who occupy the principal structure on the premises.
- B. A Building Permit shall be required to install or construct an accessory building.
- C. No accessory building shall exceed the height of any permanent structure on the property (dwelling/attached garage).

- D. Garage door openings shall not exceed eight feet high.
- E. Construction, finish and maintenance of an accessory building:
 - (1) Exterior materials and finish shall match or complement the exterior finish of the principal structure in material, color and texture.
 - (2) Exterior surfaces of all sheds shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.
- F. In the event such accessory building construction, installation or placement is not subject to New York State Uniform Fire Prevention and Building Code (Uniform Code) as amended requirements, and as a further zoning and public safety requirement, the location shall nevertheless meet the following requirements:
 - (1) The separation distance between the exterior walls of the permanent structure (dwelling/attached garage) and such accessory building shall be a minimum of ten (10) feet unless:
 - (a) the exterior of the walls of the permanent structure and accessory building each having not less than a 1-hour fire resistant rating, in which case no minimum separation distance will be required; or
 - (b) the exterior wall of the permanent structure or the accessory building has a 1-hour fire resistance rating, in which case the minimum separation distance shall be five (5) feet.
 - (2) Projections beyond the exterior wall shall not extend more than twelve (12) inches into areas where openings are prohibited unless:
 - (a) the projections of the permanent structure and the accessory building shall each have a 1-hour fire resistant rating, in which case the minimum separation distance shall be two (2) feet, or
 - (b) the projection of the permanent structure or the accessory building has a 1-hour fire resistant rating, in which case the minimum separation distance shall be five (5) feet.
 - (3) The minimum distance of the opening between the permanent structure and accessory building shall be three (3) feet with a maximum opening of 25 % of the wall area as such term is defined in the Uniform Code.

Add §187-76 to read:

§ 187-76 Garage, private.

- A. A private garage is any attached or detached structure or portion of a structure which is designed primarily for the storage of registered and inspected motor vehicles.
 - (1) The use of the accessory building shall be limited to the owner(s) and/or tenants who occupy the principal structure on the property.
- B. A Building Permit shall be required to install or construct a private garage.
- C. No private garage, attached or detached, shall exceed the height of the permanent structure (dwelling/attached garage).
- D. Garage door openings in private garages shall not exceed eight feet high.
- E. Construction, finish and maintenance of the private garage shall be of:
 - (1) Exterior materials and finish shall match or complement the exterior finish of the principal structure in material, color and texture.
 - (2) Exterior surfaces of all sheds shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.
- D. In the event such private garage construction, installation or placement is not subject

to New York State Uniform Fire Prevention and Building Code (Uniform Code) as amended requirements, and as a further zoning and public safety requirement, the location shall nevertheless meet the following requirements:

- (1) The separation distance between the exterior walls of the permanent structure (dwelling/attached garage) and such private garage shall be a minimum of ten (10) feet unless:
 - (a) the exterior of the walls of the permanent structure and the private garage each having not less than a 1-hour fire resistant rating, in which case no minimum separation distance is required; or
 - (b) the exterior wall of the permanent structure or the private garage has a 1-hour fire resistance rating, in which case the minimum separation distance shall be five (5) feet.
- (2) Projections beyond the exterior wall shall not extend more than twelve (12) inches into areas where openings are prohibited unless:
 - (a) the projections of the permanent structure and the private garage shall each have a 1-hour fire resistant rating, in which case the minimum separation distance shall be two (2) feet, or
 - (b) the projection of the permanent structure or the private garage has a 1-hour fire resistant rating, in which case the minimum separation distance shall be five (5) feet.
- (3) The minimum distance of the opening between the permanent structure and private garage shall be three (3) feet with a maximum opening of 25 % of the wall area as such term is defined in the Uniform Code.

Add §187-77 to read:

§ 187-77 Storage shed.

- A. A storage shed shall be a single story structure and only used for storage, hobbies or a workshop by the owner(s) and/or tenants who occupy the principal structure on the property.
- B. A storage shed shall not:
 - (1) Exceed eight feet in height.
 - (2) Have a footprint of no more than 144 square feet.
 - (3) Be insulated,
 - (4) Have any plumbing fixtures; except for necessary pool and sauna plumbing and one (1) hose spigot.
 - (5) Be served by a paved, graveled or stone driveway, and
 - (6) Be used for the storage of a motor vehicle or other type that can be registered by the New York State Department of Motor Vehicles.
- B. A Building Permit shall be required to install or construct a shed.
- C. Construction, finish and maintenance:
 - (1) Sheds shall be erected on crushed rock, asphalt or concrete.
 - (2) All piers, flooring or any wood coming within 6 inches of the ground shall be pressure-preservative treated and dried.
 - (3) Exterior materials and finish shall match or complement the exterior finish of the principal structure in material, color and texture.
 - (4) Exterior surfaces of all sheds shall be maintained in new or like new condition, free from cracked and peeling paint, rusting and deteriorating materials.

- D. Number of a storage sheds:
- (1) Only one (1) such storage shed per property shall be located on any property within any zoning districts
- E. Location of a storage shed:
- (1) No shed shall be located in the front yard.
 - (2) All sheds shall be located five (5) feet from the rear and/or side property line except –
 - (a) No shed shall be permitted in the rear corner of a property whose side property line is along a street.
 - (3) In the event such storage shed construction, installation or placement is not subject to New York State Uniform Fire Prevention and Building Code (Uniform Code) as amended requirements, and as a further zoning and public safety requirement, the location shall nevertheless meet the following requirements:
 - (a) The separation distance between the exterior walls of the permanent structure (dwelling/attached garage) and such storage shed shall be a minimum of ten (10) feet unless:
 - (i) the exterior of the walls of the permanent structure and storage shed each having not less than a 1-hour fire resistant rating, in which case no minimum separation distance is required; or
 - (ii) the exterior wall of the permanent structure or the storage shed has a 1-hour fire resistance rating, in which case the minimum separation distance shall be five (5) feet.
 - (b) Projections beyond the exterior wall shall not extend more than twelve (12) inches into areas where openings are prohibited unless:
 - (i) the projections of the permanent structure and the storage shed shall each have a 1-hour fire resistant rating, in which case the minimum separation distance shall be two (2) feet, or
 - (ii) the projection of the permanent structure or the storage shed has a 1-hour fire resistant rating, in which case the minimum separation distance shall be five (5) feet.
 - (c) The minimum distance of the opening between the permanent structure and storage shed shall be three (3) feet with a maximum opening of 25 % of the wall area as such term is defined in the Uniform Code.

§ 66-4 Waiver or Assumption of Liability.

This Chapter shall not create liability on the part of the Village of Fayetteville, any officer or employee thereof for any damage that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

§ 66-5 Variances.

Any person aggrieved by any of the provisions of this chapter may appeal such decision to the Zoning Board of Appeals of the Village of Fayetteville as provided in the zoning regulations of the Village of Fayetteville and the Village Law and shall comply with all procedural requirements prescribed by such Zoning Board of Appeals.

§ 66-6 Penalties for offenses.

Any person committing an offense against any of the provisions of this Chapter shall be guilty of a violation and, upon conviction thereof, shall be punishable for each offense by a fine or by imprisonment as set forth in Chapter 113 of this Code.

Section Three (3). ILLEGALITY/SEVERABILITY.

If any part of this local law or the application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation or the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to the other persons or circumstances. Further, in adjudging such invalid provision, the court shall attempt to modify same to a provision which is not invalid and which best achieves the intent of the invalid provision.

Section Four (4). EFFECTIVE DATE.

This Local Law shall take effect immediately upon its filing in the office of the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as Local Law No. Five of 2013 of the Village of Fayetteville was duly passed by the Village Board of Trustees of the Village of Fayetteville on January 28, 2013 in accordance with the applicable provisions of law.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph one (1) above.

Lorie Corsette

Lorie Corsette, Village Clerk

(Seal)

Date: May 17, 2013

(Certification to be executed by Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF ONONDAGA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.